

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KATIE LEANN WAGNER,

Defendant.

CR-14-96-GF-BMM-18

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on July 19, 2021. (Doc. 1046.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on July 15, 2021. (Doc. 1041.) The United States accused Wagner of violating her conditions of supervised release 1) by failing to report for substance abuse treatment; and 2) by failing to reside at the residence approved by her probation officer. (Doc. 1037.)

At the revocation hearing, Wagner admitted to violating the conditions of her supervised 1) by failing to report for substance abuse treatment; and 2) by failing to reside at the residence approved by her probation officer. (Doc. 1041.) Judge Johnston found that the violations Wagner admitted proved to be serious and warranted revocation, and recommended that Wagner receive a custodial sentence of 6 months 38 months of supervised release to follow with the first 9 months of supervised release in a sober living facility as directed by her probation officer. (Doc. 1046.) Wagner was advised of her right to appeal and her right to allocute before the undersigned. (Doc.1041.) The violations prove serious and warrant revocation of Wagner's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 1046) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Katie Leann Wagner be sentenced to the custody of the United States Bureau of Prisons for 6 months, with 38 months of supervised

release to follow, with the first 9 months of supervised release in a sober living facility as directed by her probation officer.

DATED this 3rd day of August, 2021.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris, Chief District Judge
United States District Court

